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IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3467 of 1985

For Approval and Signature:

HON'BLE MR.JUSTICE AKIL KURESHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

VINODKUMAR PARBHATKHANDER

Versus

DIST. INSPECTOR OF LAND RECORD

Appearance:

1. Special Civil Application No. 3467 of 1985

DELETED for Petitioner No. 1-2,4-12

MR ND NANAVATI for Petitioner No. 3

MR ND GOHIL, ASSTT. GOVERNMENT PLEADER for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE AKIL KURESHI

Date of decision: 28/09/2004

ORAL JUDGEMENT

In this petition, the petitioners have prayed an appropriate writ, order or direction, directing the

respondents to give appointment to the petitioners permanently and further directing the respondents not to terminate the services of the petitioners for 4 months. Subsequent to the filing of the petition, except petitioner No.3, others have been deleted by orders dated 29.11.1985 and 8.10.1991.

2. In paragraph 2 of the petition, the petitioner has contended that this petition involves identical question which has been raised in Special Civil Application No. 2603 of 1982 and other cognate matters, which have been admitted and ad-interim relief has been granted restraining the respondents from terminating the services of the petitioner in those petitions. Accordingly, this Court on 5.12.1985 was pleased to issue rule in this petition and it was ordered to be heard with Special Civil Application No. 2603 of 1982. On 16.12.1985, it was recorded that as the petitioners are likely to be employed by end of this month for period of 8 months, interim relief was not pressed for at that stage. By order dated 7.3.2000, a Division Bench of this Court was pleased to dispose of Special Civil Application No. 2603 of 1982. In the said order it was observed that the matter was admitted on 9th September, 1982 and the ad-interim relief granted earlier was ordered to be continued and 18 years have passed and most likely all the petitioners who had continued on the strength of the interim order must have been accommodated as per the assurance contained in the affidavit-in-reply. This Court was however, pleased to observe that the petitioners could not have claimed such absorption as a matter of right and the petition is therefore, rejected and the rule was discharged.

3. In the present petition also I find that identical questions have been raised by the petitioner and the petition is admitted in year 1985 and since some interim benefits were being made available to the petitioner, interim relief was not prayed for. In that view of the matter and in view of the observations of the Division Bench in Special Civil Application No. 2603 of 1982 and the final conclusions reached therein, since identical questions arise in this petition, the present petition also cannot be entertained any further and the same is required to be rejected.

4. In the result, petition is rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

*/Mohandas